

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Policy Type	Subject of Policy	Policy No.
Administrative	Policy for Inclement Weather	1016

I. PURPOSE

1016.0.0 INCLEMENT WEATHER POLICY

~~It is the purpose of this policy to govern office and staffing procedures in~~
~~This establishes the Department of Human Services (DHS) in the event of inclement weather. This policy is in~~
~~accordance with the inclement weather policy in compliance with Governor's Policy Directive (GPD-7) on~~
~~Inclement Weather (Attachment A).~~

II. SCOPE

~~This policy and is applicable to all DHS employees, except those employed in twenty-four hour facilities (see~~
~~Section VII). (Exception: See Section 1016.6.0).~~

III. PROCEDURES

~~A. It is the intent of this policy that all DHS divisions/offices will respond in a consistent manner in the event~~
~~of inclement weather.~~

~~B. Due to the nature of the~~

1016.1.0 DHS Will Remain Open Unless Governor Proclaims Otherwise

~~B. Due to the nature of the work conducted, DHS will remain open regardless of inclement weather, unless the~~
Governor proclaims otherwise. All DHS employees are expected to report to their designated work
stations as usual. In the event of a Governor's directive closing all state agencies, the DHS
divisions/offices will adhere to the Governor's directive except for the departmental facilities where
there are ~~twenty-four~~ 24-hour staffing requirements for direct client care. (See Section 1016.6.0)

IV. TIME KEEPING FOR EMPLOYEES DURING IMPLEMENTATION OF INCLEMENT WEATHER POLICY BY GOVERNOR

1016.2.0 Time Keeping During Implementation of Inclement Weather Policy

1016.2.1 Upon public announcement by the Governor's Office that the Governor's Inclement Weather Policy is
~~placed into effect, DHS Administrative Policy 1016 shall in effect, this policy will~~ also be in effect.
Avoiding undue personal risk, all DHS employees should arrive at their designated work stations at
their regular start time but no later than two hours after their scheduled start time. (The two hours is for
a grace period from the regularly scheduled start time.) Employees arriving within two hours of their
scheduled start time will be given credit for a full day's attendance.

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1016.2.2 — Employees arriving more than two hours after their scheduled start time will be charged either annual leave, compensatory time or leave -without -pay calculated between their arrival time and their regularly scheduled start time. Employees not coming to work at all will be charged a full day's absence. Employees unable to report to work due to inclement weather must notify their supervisor or designated point of contact prior to the ~~scheduled work day~~ beginning of their scheduled work day or as soon thereafter as possible.

— In the event the Governor closes state offices, the entire day or portion of the day affected will be treated the same as for a holiday. Employees on approved leave when the office is closed will be charged for the leave as it was approved. (~~Refer to DHS Administrative Policy 1007.~~)

~~V.1016.2.3 PLAN FOR INFORMING STATE EMPLOYEES OF INCLEMENT WEATHER POLICY IMPLEMENTATION~~

1016.2.4 Employees may be placed in a leave without pay status due to inclement weather. (See DHS 1007, DHS Leave Policy)

1016.3.0 Little Rock Metropolitan Area (Pulaski County)

1016.3.1 In the event of early morning severe inclement weather conditions, the Governor's Office will determine whether the Governor's Inclement Weather Policy will be placed into effect and will publicly announce its implementation before 6:30 a.m., if possible, via the media.

1016.3.2 When severe weather occurs during regular office hours, the DHS Director has the discretion to allow employees to leave work early for safety reasons with no loss of pay or no leave time charged. However, the requirement to maintain designated critical personnel and assure service delivery to the citizens of Arkansas for the full work day will be strictly adhered to.

1016.4.0 Outside Little Rock Metropolitan Area (Outside Pulaski County)

In the event of early morning severe inclement weather conditions, the DHS ~~C~~county ~~A~~administrators ~~sh~~will confer with the ~~D~~division ~~D~~director for the Division of County Operations (~~D~~CO), or designee, to determine when the inclement weather policy is implemented in the county offices based on weather conditions which may be occurring in their respective parts of the State. The DHS ~~C~~county ~~A~~administrators ~~h~~will ensure that decisions to implement the inclement weather policy are communicated by means of local media before 6:30 a.m., if possible. Where this approach is not possible, employees should be instructed to immediately contact their supervisor or designated point of contact if they have questions about the implementation of the inclement weather policy. DHS ~~twenty-~~

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~~four~~ 24-hour facility superintendents/administrators ~~need to~~should refer to Section ~~VH~~VH1016.6.0 of this policy.

~~VI. DESIGNATION OF CRITICAL PERSONNEL (PERSONNEL DEEMED NECESSARY TO MAINTAIN CRITICAL SERVICES)~~

Designation of Critical Personnel

1016.4.1 DHS division/office directors ~~sh~~awill establish and maintain a current list of critical personnel (those deemed necessary to maintain critical services) who will be required to reach their designated work stations by the regular office time regardless of weather related conditions to assure that DHS offices located throughout the State are open to the public and services are provided. A copy of ~~your~~the current list of critical personnel should be routed to DHS, Office of Finance and Administration, ~~we~~ Services, Human Resources/Support Services Section. Prior designation of such personnel will allow critical personnel to prepare for weather conditions and, if need be, arrange for alternative methods of getting to work. The only time critical personnel will be excused from reporting to work at their regular office opening time is when the Governor has publicly announced the closing of state offices in the Little Rock metropolitan area. Outside the Little Rock area DHS ~~C~~county ~~A~~administrators will confer with the ~~DCO~~Division Directorfor the Division of County Operations, or designee, before determining when an office closing is necessary due to severe inclement weather conditions. DHS ~~twenty-four~~ 24-hour facility superintendents/administrators ~~need to~~should refer to Section ~~VH~~VH1016.6.0 of this policy.

—Where possible, only Fair Labor Standards Act (FLSA) exempt employees will be designated as critical personnel (Exception: See Section ~~VH~~VH1016.6.0).

~~VII. EXCEPTION TO THE PROCEDURES FOR INCLEMENT WEATHER POLICY~~

1016.5.0 Exception to the Procedures for Inclement Weather Policy

This policy does not apply to ~~DHS' twenty-four~~the DHS 24-hour facilities that require ~~twenty-four~~ 24-hour staffing. ~~The DHS d~~ivisions/offices maintaining residential facilities ~~sh~~awill develop policies and procedures ~~which~~that provide ~~twenty-four~~ 24-hour staffing during inclement weather conditions. These policies and procedures ~~sh~~awill be consistent with ~~DHS Administrative Policies 1016 and 1007~~this policy, DHS 1007—DHS Leave Policy, interpretations from the Office of Personnel Management and the Governor's Policy Directive on Inclement Weather, and shall be approved by the DHS Director before implementation.

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~~VIII. DEPARTMENT CONTACT~~

~~Department Contact~~

Office of ~~Finance and Administration~~ ~~ve Services~~
~~Human Resources/Support Services~~ ~~Section~~
Policy and Administrative Program Management
~~1st Floor Donaghey Plaza South~~
P.O. Box 1437/Slot Number ~~3W~~403
Little Rock, AR 72203-1437
Telephone: 682-~~6476~~ ~~5835~~

~~APPROVED:~~

~~Date~~

~~DHS Director~~

~~Replacement Notation:~~ ~~This rule replaces DHS 1016 dated 1-25-99.~~

~~Effective Date: January 25, 1999~~

~~Effective Date: DRAFT~~

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ARKANSAS DEPARTMENT OF HUMAN SERVICES

Policy Type	Subject of Policy	Policy No.
Administrative	Communications	1073

1073.0.0. ~~I.~~ POLICY COMMUNICATIONS POLICY

~~This policy recognizes the importance of communication and encourages open, timely and effective communication within~~ This establishes the Department of Human Services (DHS). ~~Communication facilitates decision making; increases understanding of agency goals, rules and objectives; improves individual working relationships; reduces the potential for rumors and misunderstandings; increases productivity and enhances job performance and morale. Effective communication is the responsibility of all DHS employees.~~

~~II.~~ SUBSTANTIVE RULES

~~————— This policy applies to all DHS divisions and offices. It encompasses (DHS) communications policy which includes all verbal, written and computer-based communication. It covers communication within each division; to and from employees; between divisions; and between the DHS Director's Office and divisions. communications within and emanating from DHS. The policy is applicable to all DHS employees.~~

1073.1.0 ~~III.~~ PROCEDURAL RULES Staying Informed

A.1073.1.1 ~~Employees have the responsibility to stay~~ are responsible for staying informed on agency issues through the internal communications available to them and ~~to seek for~~ seeking additional information from their supervisors when ~~they feel it is~~ needed.

1073.1.2 Directors and supervisors will strive to provide prompt and complete information to employees, recognizing their responsibility to keep employees informed.

B.1073.2.0 ~~Division/office directors are responsible for keeping the DHS Director informed regarding impending visits by federal officials and associated entrance and exit conferences. Written notice shall be provided immediately to allow for attendance by the DHS Director if indicated. The notice shall include the name of the visiting official and the time, place and purpose of the visit. (Does not apply to unannounced visits by federal officials.)~~ Written Documents

C.1073.2.1 ~~This policy recognizes that good communication is an inexact science. The most fundamental policy should be to use common sense. Any employee~~ Employees drafting any document ~~at DHS~~ should try to write in a clear, uncluttered style. ~~There is no policy that could even begin to outline how millions of daily memos, phone~~

Effective Date: May 25, 1999

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~~calls, faxes, conversations, incident reports, transcripts, presentations, meetings, and message slips can best communicate. The initial goal of any communication policy should be to ask thousands of DHS employees to work on improving written, oral and electronic communication skills.~~

~~D-Communications with the news media will be coordinated by the Communications Office. The Communications Office will handle incoming media calls and arrange radio, television, and newspaper interviews with the DHS employee most qualified to discuss the issue. The Communications Director will work with division directors to determine how each request can best be handled. The Communications Director will keep the DHS Director informed on news stories involving DHS. The DHS Director will have input on how DHS policy can best be conveyed to the public and the media. DHS employees at the county level should try to develop a working relationship with the local media in their region. The Communications Office recognizes that county supervisory employees and facility administrators are often capable of handling routine press questions. An attempt should be made to resolve issues at the lowest level possible. If the press inquiry is anything out of the ordinary, the local supervisor should notify the Communications Office and the Division Director. The Communications Office will then work with all the involved parties to determine how the situation can best be handled.~~

1073.2.2 Supervisors should be aware of the quality of written documents leaving their units.

1073.3.0 Office of Communications

The Office of Communications is available to assist division directors in preparing for legislative appearances and also to assist in preparing printed materials for internal training and communications.

1073.4.0 Publications

1073.4.1 The Office of Communications will evaluate all internal and external DHS publications with a focus on avoiding duplication, and coordinating the effort to ensure that an easy-to-read style is maintained.

NOTE: A prior evaluation of newsletters to clients and providers is required only if the division is embarking on a new communications project. If the division is continuing with the same form of communication they have utilized in the past a prior review is not required; however, the Office of Communications should be included in the distribution of any mass communique.

E-1073.4.2 The ~~Communications Director~~Director of Communications will oversee publication of a bi-weekly, departmental newsletter to bring topical information to all DHS employees. When possible, the

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newsletter will be used to give employees advance notice of information that will be released to the media. The Communications Office will evaluate all internal and external DHS publications with a focus on avoiding duplication in publications, and coordinating the effort to ensure that an easy-to-read style is maintained.

The Communications Office will continue to explore ways that Voice Mail, E-mail and computers can better be utilized to facilitate communication between DHS employees and external agencies.

The Communications Office is available to assist division directors in preparing for legislative appearances and also to assist in preparing printed materials for internal training and communications.

IV. INITIATING SECTION/DEPARTMENT

____ DHS Director's Office
____ DHS Director of Communications
____ Suite 329, Donaghey Plaza South
____ Little Rock, AR 72203-1437
____ Telephone: (501) 682-8946, FAX: 682-6836

Replacement Notation: This rule supersedes DHS Policy 1001—Federal Official Visits effective 7-27-79.

APPROVED:

Date

DHS Director

1073.5.0 News Media

1073.5.1 The Office of Communications will coordinate communications with the news media, handle incoming media calls and arrange radio, television, and newspaper interviews with the DHS employee most qualified to discuss the issue. The Director of Communications will work with division directors to determine how each request can best be handled and will keep the DHS Director informed about news stories involving DHS.

1073.5.2 The DHS Director will provide input on how DHS policy can best be conveyed to the public and the media.

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<u>1073.5.3 Employees at the county level should strive to develop a working relationship with the local media in their region. The Office of Communications recognizes that county supervisory employees and facility administrators are often capable of handling routine press questions. An attempt should be made to resolve issues at the lowest level possible. If the press inquiry is anything out of the ordinary, the local supervisor should notify the division director and the Office of Communications which will work with all the involved parties to determine how the situation can best be handled.</u>		
<u>1073.6.0 News Releases</u>		
<u>All news releases must be sent to the Office of Communications for editing and distribution to the media, unless doing so would cause the news release to lose its timeliness. In such cases, a copy of the news release must be sent to the Office of Communications on the date of distribution. (Routine meetings, public hearings and training announcements; advertisements; and schedules are exempt.)</u>		
<u>1073.7.0 Communications with the State Attorney General's (AG's) Office</u>		
<u>1073.7.1 Requests for advice from the AG's Office will be from division/office directors, or their designees, who will contact the assistant in the AG's Office responsible for consulting with and advising DHS. An informational copy of all written requests will be submitted to the DHS Director.</u>		
<u>1073.7.2 Requests for an official opinion from the AG's Office will be prepared for the DHS Director's signature. A statement of the need for the opinion will accompany the request. The DHS Director will review and, if approved, forward the request to the Governor's Office which will forward it to the AG's Office for disposition.</u>		
<u>1073.7.3 All proposals for legal services contracts will be submitted to the DHS Director for approval. A statement of justification will be included. The DHS Director will review the request and, if approved, forward the proposed contract to the Governor's Office where it will be considered in consultation with the Attorney General's Office.</u>		
<u>1073.8.0 Federal Office Visits</u>		
<u>Division/office directors will keep the DHS Director informed regarding impending visits by federal officials and associated entrance and exit conferences. Written notice will be provided immediately to allow for attendance by the DHS Director if indicated. The notice will include the</u>		

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name of the visiting official and the time, place and purpose of the visit. (Does not apply to unannounced visits by federal officials.)

1073.9.0 Initiating Section/Department

Office of Finance and Administration
Human Resources/Support Services Section
Policy and Administrative Program Management
P.O. Box 1437/Slot Number W403
Little Rock, AR 72203-1437
Telephone: 682-5835

Replacement Notation: This rule replaces DHS 1073 dated 5-25-99 and supersedes DHS Policies: 1015, Departmental Requests to the Attorney General's Office and 1041, DHS News Releases.

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Administrative	Employee Discipline	1084

1084.0.0 — I. POLICYEMPLOYEE DISCIPLINE

1084.0.1 ~~The rules of~~This establishes the Department of Human Services (DHS) ~~with regard to rules regarding~~ disciplinary measures ~~are as follows; and is applicable to all employees.~~

1084.0.2 Discipline applied by supervisors should be aimed at improving employee conduct. Conduct is defined as actions or lack of actions by employees related to work rules, policies, procedures, office mission, or safety.

1084.0.3 Only supervisors who have completed supervisor training will be allowed to take disciplinary action against an employee without first obtaining the written approval of a higher level supervisor who has completed the training. The failure of a supervisor to attend mandatory supervisor training will be immediately reported to the DHS Director by the Office of Administrative Services, Staff Development Unit Manager.

1084.1.0 Disclaimer

Nothing in these rules and regulations shall alter the employment-at-will relationship between the employees and DHS. Any agency error that is trivial, formal, or merely academic and does not prejudice the substantive rights of an affected party will be deemed harmless error and shall not be grounds for overturning the agency decision.

1084.2.0 — II. SUBSTANTIVE RULESTypes of Discipline

1084.2.1 A. Types of discipline—The following levels of discipline may be applied:
±

- A. Written warning recorded in the employee's ~~personnel~~ file.
- B. Suspensions without pay or demotion. (For exempt employees under the Fair Labor Standards Act, a five-day minimum suspension is required.)
- C. Termination.

~~—————Note: Demotion~~NOTE: Demotion may be used as an alternative to suspension or termination or in combination with suspension.

1084.2.2 ~~B.—Impact on future discipline —~~ For purposes of progressive discipline, written warnings will be considered for 24 months after the action was documented. Suspensions and demotions will be counted for progressive discipline purposes for a period of 48 months after the action was documented.

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1084.3.0 Points accumulation

1084.3.1 ~~C.~~ Point accumulation—Employees are also subject to discipline for the accumulation of disciplinary points. The accrual of points will be determined as follows:

- ~~□~~ Written Warning = ~~3~~ points
- ~~□~~ Suspension = ~~3~~ points
- Suspension = 6 points
- Demotion = 8 points

1084.3.2 Points for each disciplinary action will be counted for one year after the disciplinary action was documented on a Form DHS-1173, Notice of Disciplinary Action.

1084.3.3 Any employee who accrues 13 or more disciplinary points within a 12-month period will be terminated.

1084.4.0 III. ~~PROCEDURAL RULES~~All Pertinent Information Should be Gathered

~~A.~~ When supervisors become aware of possible conduct violations, they should take steps to gather any information not already known to ~~the supervisor~~them that is necessary to decide if discipline is ~~necessary~~required and what level of discipline is appropriate.

1084.5.0 Temporary Removal from Duty Assignment Pending Investigation

~~1-1084.5.1~~ Any employee whose alleged actions or behavior have the potential to be an immediate or direct threat to public health or safety or might threaten the safety of a child, client, or co-worker, or which might impede an investigation shall be temporarily removed from his or her duty assignment pending a review of the allegations by the employee's division director/designee. This action shall not be construed as an indication of wrongdoing by the removed employee, but is imposed to allow adequate time to conduct an investigation.

~~2-1084.5.2~~ The division director/designee shall determine the length of time during which the employee will be temporarily removed from duty and shall arrange for the employee to temporarily assume other duties not involving direct contact with children or clients. A change of work location or residential campus may also be made, if appropriate under the circumstances. If circumstances require that the employee is to be sent home, the employee will be placed on call, with pay, during normal work hours, and be immediately available to participate in the investigation.

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1084.6.0 Employee Interview

- 1084.6.1 An Employee Interview must be conducted prior to disciplinary action. The supervisor will schedule a formal interview with any employee facing possible disciplinary action and assure the employee knows the purpose of the interview.
- 1084.6.2 The supervisor and employee will meet within five (5) working days of the supervisor's determination that disciplinary action may be warranted. The supervisor will provide all known facts to the employee and allow the employee an opportunity to refute the information or identify any extenuating factors. During the meeting the employee may provide, in written form, additional information or names of persons who may have relevant information.
- 1084.6.3 A determination of whether disciplinary action will be taken must be made within five (5) working days following the interview. The need for an extension of this time frame will be documented. A written notice will be provided to the employee and will explain the cause for the delay and provide a date that the determination will be made.
- 1084.6.4 If disciplinary action is warranted, the supervisor must follow guidelines outlined in this policy and DHS 1085, Minimum Conduct Standards for DHS Employees.
- 1084.6.5 If disciplinary action is not warranted, the supervisor must immediately notify the employee.
- 1084.6.6 Supervisors must attempt a telephone conference with employees unable or unwilling to meet with them. (Example: the employee has abandoned his/her job, is physically unable to travel, or has been prohibited from entering the workplace.) Unsuccessful attempts to discuss the proposed disciplinary action with the employee must be documented.

1084.7.0 Factors to Consider in Determining Level of Discipline

~~A.~~ Once the supervisor has ~~gathered enough information to determine~~ determined that a disciplinable act has occurred ~~the supervisor~~ he or she should determine the appropriate level of ~~discipline.~~ ~~If the decision to discipline results in suspension without pay or termination, the effective date of such action will be the date the decision is made, and will not be backdated to the date the employee was removed from his or her duty assignment pending investigation.~~

- 1084.7.1 To determine the appropriate level of discipline the supervisor should consider discipline by considering the following factors:

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- A. Whether the employee knew or should have known that the behavior could result in discipline. Laws, written departmental, divisional and institutional policies, work practices, memos, and posted notices shall be considered proof that an employee knew or should have known any matters discussed in the document and that discipline could result from disobeying any directives contained in the document or reasonably implied by its contents.
- B. Whether a reasonable employee in similar circumstances would realize the behavior would be inappropriate or improper.
- C. Whether the behavior~~has~~ disrupted work or interfered with services to customers.
- D. Whether the behavior~~has~~ resulted in an increased risk of legal liability by the Department and the perceived seriousness of the risk.
- E. Whether the behavior endangered the safety of the employee, co-workers or customers and the level of risk involved. Endangerment is presumed if the behavior violates a safety law or rule.
- F. Whether the behavior was intentional in nature.
- G. Whether the employee has~~a~~ reasonable explanation for his or her behavior or presents other mitigating circumstances.
- H. The employee's work history.
- I. Any other factors the supervisor considers relevant.

~~The employee subject to disciplinary action should be given an opportunity to suggest in writing any other factors he or she would like the supervisor to consider before taking disciplinary action.~~ After considering the above factors the supervisor should document his or her findings and select the level of discipline that equates to the seriousness of the offense. The ~~DHS-2813~~DHS-2813 Disciplinary Investigation Checklist_s should be completed if the supervisor is considering termination.

1084.8.0 When a Specific Level of Discipline is Set by Policy

Some departmental or divisional policies may set a specific level of discipline for certain offenses, if so the recommended level of discipline must be considered as the minimum discipline unless mitigating circumstances can be documented.

1084.9.0 Applying Discipline

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C.1084.9.1 The discipline should be applied immediately, consistently and impartially. The employee must be warned of the consequences of repeated offenses in writing. After an appropriate initial level of discipline has been selected, the principles of progressive discipline should be followed for subsequent offenses. (i.e., the next level of discipline should be applied for the next substantially similar offense and continue sequentially thereafter, unless aggravating or mitigating circumstances can be demonstrated for the subsequent offenses.) Employees must be notified of the disciplinary action using DHS-1173, Notice of Disciplinary Action, Form DHS-1173. If the employee refuses to sign the DHS-1173 another employeesupervisor should act as witness and it should be documented in writing.

D.1084.9.2 If the severity of the offense, the frequency of unrelated offenses, the employee's overall work record, and other relevant factors warrant termination, the employee will not be eligible for re-employment for a period of two (2) years from the date of discharge. In cases of extreme violations of conduct, the employee will not be eligible for re-employment with DHS.

1084.10.0 IV. CONFLICTING POLICIES SUPERSEDED Effective Date of Disciplinary Action

If the decision to discipline results in suspension without pay or termination, the effective date of such action will be the date the decision is made, and will not be backdated to the date the employee was removed from his or her duty assignment pending investigation.

NOTE: All suspensions and terminations must be approved by the division director/designee.

1084.11.0 Grievance Submission

Following the imposition of disciplinary action, an employee has five (5) working days from the date of notification of the disciplinary action to submit a grievance statement to the Employee Relations Office (ERO).

1084.12.0 Conflicting Policies Superseded

These rules supersede DHS PolicyThis rule supersedes DHS 1084, Employee Discipline, dated September 8, 1998, August 30, 2002, and any existing policies or specific sections of existing policies that conflict with the terms of this policy.

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~~V. DEPARTMENT CONTACT~~

~~1084.13.0~~ Any questions concerning DHS Policy Number 1084 should be directed to: Originating Section/Department Contact

Office of Administrative Services
~~Support Services, Policy Management/Development Unit~~
~~4th Floor Donaghey Plaza West~~ Human Resources/Support Services Section
Policy and Administrative Program Management
P.O. Box 1437/Slot Number W403
Little Rock, AR 72203-1437
Telephone: ~~682-6476~~ 682-5835

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Administrative	Employee Grievance Procedure	1086

I. POLICY

- ~~A. It is the policy of the Department of Human Services (DHS) that reasonable effort to settle complaints or grievances be made as quickly as possible. Supervisors and employees are encouraged to informally discuss workplace and disciplinary issues in an effort to reach a resolution without the necessity for more formal proceedings.~~
- ~~B. Any DHS non-probationary full-time regular-salaried employee or any non-probationary employee who occupies a regular-salaried position and works a minimum of 1,000 hours per year may file a grievance under this policy. Exceptions are: the DHS Director, Deputy Director, Division Directors, Commissioners, Deputy Directors, County Administrators, Office Directors, Managers and Program Directors (Grades 22-26), all unclassified positions (Grades 66 and 99), and employees who are appointed by the Constitutional Board (including Superintendents and Institutional Directors), unless these exempt employees are applying for a classified position covered by the scope of this policy, to the extent that the grievance involves the application for the classified position.~~
- ~~C. Probationary, part-time, temporary, emergency hire, and extra help employees cannot file a grievance under this policy.~~
- ~~D. Any employee regardless of his or her status may utilize this policy to address concerns related to the Americans with Disabilities Act of 1990. However, the State Employee Grievance Review Committee (SGRC) and the State Grievance Appeal Panel (SEGAP) will not hear appeals from employees who are otherwise excluded from coverage.~~

II. SUBSTANTIVE RULE

- ~~A. Pursuant to the Governor's Proclamations (EO 86-1) of July 16, 1985, and (EO 93-1) July 1, 1993, the following procedures are established to provide employees with a prompt review, impartial consideration and an equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable manner shall be free from retaliation or reprisal.~~
- ~~B. C. The grievance policy has two components, an Alternative Dispute Resolution (ADR) component and a Grievance Procedure component. The ADR (mediation) component is a non-adversarial mediation between the employee presenting a grievance and his or her supervisor, using a neutral third-party mediator. The Grievance Procedure component is a more formal process that allows the employee to request that successively higher levels of management review his or her grievance if the employee is not satisfied with the results of the procedure.~~

1086.0.0 ~~D. Participation in any portion of this~~ DHS MEDIATION/GRIEVANCE POLICY (Gov's Proclamations EO 86-1, 7-16-85 & EO93-01, 7-1-93)

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~~This policy establishes procedure is voluntary. This includes the ADR (mediation) component and the Grievance Procedure component. It is important to note that if the employee chooses ADR (mediation) as the process to attempt resolution of the dispute, the employee will not have access to the Grievance Procedure component. If the employee chooses the Grievance Procedure component, he or she will not have access to the mediation component. In addition, if the employee chooses ADR (mediation), the employee will not have access to the State Grievance Review Committee or the State Employee Grievance Appeal Panel, regardless of the issue raised in the grievance.~~

~~E. The Grievance and ADR (mediation) procedures may be concluded at any stage, if the parties reach an agreement. The employee (grievant) presenting the grievance may conclude the Grievance Procedure process at any step in the process. The ADR (mediation) process may be concluded at any point by the grievant, the supervisor or the mediator if the mediation sessions are not productive.~~

~~III. PROCEDURAL RULE~~

~~A. Grievable Matters~~

~~1. A grievable matter is an adverse action against any employee or former employee (in case of termination). Adverse action means termination, suspension, promotion, reduction of annual leave, sick leave, compensatory time, or other disciplinary actions or unlawful discrimination.~~

~~2.1086.0.1 Annual or probationary performance evaluations may be the subject of a grievance under this policy only in cases arising from allegations of unlawful discrimination or in cases of disciplinary action, such as probation, suspension, or termination. In such cases, s for resolving workplace disputes and disciplinary issues.~~

1086.0.2 Nothing in these rules and regulations shall abrogate the employment-at-will relationship between DHS and its employees. Any departmental error that does not prejudice the substantial rights of an affected party and in no way affects the final outcome of the case will be deemed harmless error and shall not be grounds for overturning the Department decision.

1086.1.0 Eligible Employees

Any DHS full-time regular salaried employee or any employee who occupies a regular salaried position and works a minimum of 1,000 hours per year may file a grievance under this policy except those identified in section 1086.2.0, Non-eligible Employees. Employees who present a grievance or complaint in good faith and a reasonable manner shall be free from retaliation or reprisal.

1086.2.0 Non-eligible Employees

1086.2.1 DHS Director, Deputy Directors, Division/Office Directors, all unclassified positions (Grades 66 and 99), Managers and Program Directors (Grades 22-26), County Administrators, and employees who are appointed by the Constitutional Board (including Superintendents and Institutional Directors), are not eligible to file a

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grievance under this policy unless these exempt employees are applying for a classified position covered by the scope of this policy, to the extent that the grievance involves the application for the classified position.

1086.2.2 Part-time, temporary, emergency hire, extra help and employees serving in their initial (new-hire to the Department) probationary status are not eligible to file a grievance under this policy.

1086.3.0 Americans with Disabilities Act

Any employee regardless of his or her status may utilize this policy to address concerns related to the Americans with Disabilities Act of 1990. However, the State Employee Grievance Review Committee (SGRC) and the State Grievance Appeal Panel (SEGAP) will not hear appeals from employees who are otherwise excluded from coverage.

1086.4.0 Filing a Mediation/Grievance

To seek a resolution to a workplace dispute or disciplinary issue the employee must submit the matter in writing to the grievance officer within five (5) working days of the date of the occurrence of the grievable action. The concern must be filed on a DHS-2801, Mediation/Grievance form. The form must be filled in completely and must describe the reasons the employee disagrees with the action taken and what the employee is seeking as a resolution to the dispute. Employees may contact the grievance officers for technical assistance in completing the form.

1086.5.0 Policy Components

2-1086.5.1 DHS Mediation is an internal non-adversarial negotiation between the employee presenting a grievance and his or her supervisor, using a neutral third-party mediator. (This process is sponsored by DHS.)

DFA Mediation is an external non-adversarial negotiation between the employee presenting a grievance may only be filed within five working days after an employee receives the reviewing official's decision as a result of an appeal under DHS Policy # 1030—Personnel Performance Evaluation System.

Note: Non-selection for promotion or lateral transfer may be heard through the ADR (mediation) process or the Grievance Procedure process, but may not be appealed to the State Grievance Review Committee or the State Employee Grievance Appeal Panel unless discrimination is the basis of the complaint.

—— B. Non-grievable Matters —Non-grievable matters include, but are not limited to:

—— 1. Advice given by grievance officers or by the Office of Chief Counsel.

—— 2. Approved DHS/Board policies, procedures, or guidelines.

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<hr/>		
3. Matters governed by law, regulation or executive orders that are outside the Department's control.		
4. Non-disciplinary counseling statements, Form DHS 1131, that are used to document a discussion between a supervisor and an employee. The statements can apply to employee job performance, conduct or both.		
5. Reduction in force (RIF), unless an employee alleges that the RIF plan was not followed or results in unlawful discrimination. Note: RIF appeals shall be processed through a separate appeals procedure.		
6. Work reassignments, including days off and shifts when there is not misclassification of job duties and the grade remains the same, or work reassignment to different off days and shifts than agreed upon by the employee at the time of hire.		
7. Reassignment or suspension with pay pending investigation outcome.		
8. Complaints against co-workers.		
9. Complaints that request a remedy to have a supervisor or other employee disciplined.		
10. Compensation.		
11. Conditions beyond the control of Department management or mandated by law.		
C. <u>Determination of Grievable Matters</u> After and his or her supervisor, using a neutral third-party mediator. (The Department of Finance and Administration (DFA), Office of Personnel Management (OPM), sponsors this process.)		
1086.5.2	<u>Grievance Procedure is a more formal process that allows the employee to request that successively higher levels of management review his or her grievance if the employee is not satisfied with the results of the procedure.</u>	
<u>1086.6.0 DHS MEDIATION</u>		
1086.6.1	<u>In order to reduce the number of formal grievances filed, internal mediation will be utilized as a first step attempt to resolve complaints.</u>	
<u>Within five (5) working days after the DHS Employee Relations Office (ERO) receives a grievance, a grievance officer will contact the mediator, the employee submits a grievance, the grievance officer shall decide if the complaint is grievable and notify the grievant in writing if a grievable issue does not exist. The grievant may appeal this decision in writing to the SGRC by seeking an advisory ruling.</u>		
1. The grievance officer shall request a determination from the SGRC by filing a brief statement using the Request For Grievable Matter Determination form about the cause of the complaint with the Administrator of the Office of Personnel Management (OPM). The employee and the Department may		
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~~file a written statement through and the appropriate level of management to schedule a mediation session to be held within 10 working days after the initial receipt of the grievance officer for submission to the Committee at the time of the request for determination of grievability.~~

~~2.1086.6.2 The grievance officer shall give. The mediation session will be scheduled at a time and location convenient for all parties and will not be recorded.~~

~~2.If the process is successful, the mediator will formalize the terms of the agreement in writing, and all parties will sign and date the agreement, which will be filed with the grievant a copy of the request.~~

~~3.The Administrator of OPM will report the Committee's decision to the grievance officer and the employee. The determination should be limited to whether or not the matter is grievable. The Committee shall not make any findings at this stage about the merits of the complaint.~~

~~4.When a matter is determined to be officer within five (5) working days of the conclusion of the mediation session.~~

~~1086.6.3 If the mediation session is unsuccessful, the mediator will prepare a "non settlement form," that must be signed and dated by all parties, and a copy given to each participant at the conclusion of the mediation session. At this point, the employee may file a DHS 2802 Grievance Response form, to continue the process for any unresolved grievable issue. The completed DHS 2802 must be filed with ERO within five (5) working days following the conclusion of the mediation session.~~

~~1086.6.4 The mediation process may be concluded at any point by the employee, the supervisor or the mediator if the mediation sessions are not productive.~~

1086.7.0 Mediation Only Issues

~~4.Matters other than disciplinary action that otherwise are not grievable, either by the grievance officer or by the SGRC, disputes involving employees serving an initial new-hire to the department probationary status, and supervisory directed mediation may be addressed through the mediation procedure only.~~

1086.8.0 DFA MEDIATION

~~4-1086.8.1 Employees who have unresolved grievable issues following DHS Mediation may choose to continue their grievance by utilizing either the DFA Mediation or the Grievance Procedure.~~

~~If the employee chooses DFA mediation the grievance officer shall notify all parties within one day of receipt of the determination.~~

D. Grievance Filing

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~~1. To initiate either the Grievance Procedure or the ADR (mediation) component of the procedure, the employee must submit the complaint or grievance in writing to will provide an Agreement to Mediate form that must be signed by the employee and the supervisor/management designee. The grievance officer within five working days of the date of the occurrence of the grievable action. The grievance must be filed on a Grievance Statement, Form DHS-2801. The form must be filled in completely and must describe the reasons the employee disagrees with the action taken and what the employee is seeking as a result ofll submit the grievance. Employees may contact the grievance officers for technical assistance in completing the grievance form.~~

~~2. The grievance officer will notify the appropriate supervisor within three working days of the filing of the grievance to arrange a meeting within three working days between the employee and the supervisor with the grievance officer present. The grievance officer will explain the ADR (mediation) process and the Grievance Procedure process to both parties. The employee shall select either ADR or the Grievance Procedure within twostatement and the signed Agreement to Mediate form to DFA/OPM. OPM will contact all parties to schedule the mediation.~~

1086.9.0 GRIEVANCE PROCEDURE

1086.9.1 Grievable Matters:

~~2.A. A grievable matter is an adverse action against any employee or former employee (in case of termination). Adverse action means termination, suspension, promotion, reduction of annual leave, sick leave, compensatory time, or other disciplinary actions or unlawful discrimination.~~

~~Annual or probationary performance evaluations may be the subject of a grievance under this policy only in cases arising from allegations of unlawful discrimination or in cases of disciplinary action, such as probation, suspension, or termination. In such cases, a mediation/grievance may only be filed within five (5) working days :~~

~~3. An employee who wishes to change his or her grievance form must receive the approval of theafter an employee receives the division director's decision as a result of an appeal under DHS Policy 1093, Career Ladder Incentive Program (CLIP), Appendix 5, Personnel Performance Evaluation System.~~

~~3.NOTE: Non-selection for promotion, lateral transfer or a lower grade position (demotion) may be heard through the DHS Mediation process and may not be appealed to the State Grievance Review Committee or the State Employee Grievance Appeal Panel unless discrimination is the basis of the complaint.~~

1086.9.2 Non-Grievable Matters include, but are not limited to:

~~Advice given by grievance officer. No changes will be allowed less than five working days prior to a hearing, unless the employee agrees to allow a continuance if one is requested or by the charged~~

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parties or their representative.

E. ADR (Mediation) Option

1.If the employee chooses ADR, the grievance officer will contact the Office of Personnel Management to secure a mediator using the Request for ADR (Mediation) Process form. The mediator will notify the employee and the appropriate level of management within two working days of notification to schedule the initial mediation session which will be held within ten working days. ADR (mediation) sessions shall not be recorded.

2.If the ADR (mediation) process is successful, the mediator will formalize the terms of the agreement in writing. The grievant, agency management, representatives, if present, and the mediator shall all sign the agreement. The agreement shall be filed with the grievance officer within five working days of the conclusion of the mediation session.

3.If ADR has not achieved resolution of the grievance within ten working days, the mediator shall prepare a statement to that effect. The statement, specifying that resolution was not achieved, will be signed by the grievant, management, and the mediator. The statement shall be filed with Chief Counsel.

A. Approved DHS/Board policies, procedures, or guidelines.

B. Matters governed by law, regulation or executive orders that are outside the Department's control.

C. Non-disciplinary Counseling Statements, Form DHS-1131, that are used to document a discussion between a supervisor and an employee. The statements can apply to employee job performance, conduct or both.

D. Reduction-in-force (RIF), unless an employee alleges that the RIF plan was not followed or results in unlawful discrimination. (RIF appeals will be processed through a separate appeals procedure.)

E. Work reassignments, including days off and shifts when there is not misclassification of job duties and the grade remains the same, or work reassignment to different off days and shifts than agreed upon by the employee at the time of hire.

F. Reassignment or suspension with pay pending investigation outcome.

G. Complaints against co-workers.

H. Complaints that request a remedy to have a supervisor or other employee disciplined.

I. Compensation.

J. Conditions beyond the control of Department management or mandated by law.

1086.9.3 Determination of Grievable Matters

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After the employee submits a grievance, the grievance officer within two days of the conclusion of the ADR process. At this point, the employee's access to internal resolution procedures is exhausted. The employee may not now use the Grievance Procedure option for the same grievance.

F. Grievance Procedure Option

1. Fact-Finding Conference

a. If the employee chooses the Grievance Procedure option I decide if the complaint is grievable and notify the grievant in writing if a grievable issue does not exist. The grievant may appeal this decision in writing to the SGRC by seeking an advisory ruling.

A. The grievance officer will request a determination from the SGRC by filing a brief statement using the Request For Grievable Matter Determination form about the cause of the complaint with the Administrator of the Office of Personnel Management (OPM). The employee may file a written statement through the grievance officer for submission to the Committee at the time of the request for determination of grievability.

B. The grievance officer will send a copy of the request to all parties.

C. The Administrator of OPM will report the Committee's decision to the grievance officer and the employee. The determination should be limited to whether or not the matter is grievable. The Committee will not make any findings at this stage about the merits of the complaint.

D. When a matter is determined to be grievable, either by the grievance officer or by the SGRC, the grievance officer will notify all parties within one (1) day of receipt of the determination.

1086.10.0 Fact-Finding Conference

1086.10.1 The grievance officer will contact the director of the grievant's division to schedule a fact-finding conference within ~~twenty~~20 working days. The division director~~or the director's~~/designee ~~shaw~~will conduct the conference. All charged parties and witnesses are required to attend. If the division director personally participated in the actions grieved or otherwise has a conflict of interest, the DHS Director will select an impartial individual with appropriate knowledge of divisional policies and concerns to conduct the fact-finding conference. The deciding official will issue a written decision to ERO on the DHS-2803, Grievance Decision form, ~~Form DHS-2803~~, within five (5) working days.

b. Conduct of the Fact-Finding Conference

1086.10.2 4) ;

A. The deciding official will conduct the conference in an informal manner. The deciding official will receive exhibits and take testimony, ruling on the admissibility of both.

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- B. ~~2)~~ — The rules of evidence or civil or criminal procedure will not apply.
- C. ~~3)~~ — The deciding official will determine where the conference will be held and will preside at the conference. The grievance officer ~~shawi~~ will notify all people involved of the date, time, and location.
- D. ~~4)~~ — All conferences ~~shawi~~ will be tape recorded and available for transcription. The grievance officer must insure that this requirement is met.

1086.11.0 Grievance Representation

The grievant may have a fully participating representative at each formal processing step. The Department and the grievant must inform the grievance officer of a representative a minimum of three ~~(3)~~ working days before the scheduled conference. The name, title, and address of the representative must be given. The grievance officer will notify the opposing side. Failure to provide adequate notice may cause the conference to be rescheduled unless the agency agrees to go forward without a representative. Any cost in obtaining representation ~~shawi~~ will be entirely the responsibility of the person hiring the representative.

1086.12.0 Grievance Witnesses

1086.12.1 The grievant and the Department will provide the grievance officer with a list of potential witnesses at each step. The list will include a brief statement of why each witness is being asked to attend. Notice of time, date and location of the grievance conference ~~shawi~~ will be given to all DHS employees who are called as witnesses. The calling party ~~shawi~~ will notify non-DHS employees.

1086.12.2 ~~_____ b) — The deciding official will determine the relevance of all information to be heard at all internal proceedings.~~ The deciding official ~~shall determine the relevance of all information to be heard at all internal proceedings.~~ ~~The deciding official shawi~~ will have the discretion to exclude testimony or evidence if such testimony or evidence is not relevant, privileged, or cumulative.

~~e)1086.12.3~~ All witnesses will be called for questioning by the deciding official. If requested by either party or their representatives, witnesses ~~shawi~~ will be required to wait outside the conference room until they are needed. Either side or the deciding official in the initial hearing may question witnesses.

1086.12.4 Grievance officers or DHS attorneys may not be called as witnesses unless they are charged parties or have direct unprivileged knowledge of the acts or omissions which gave rise to the grievance. The DHS Director may compel them to testify to the extent this rule will not be violated.

1086.13.0 Statements

1086.13.1 Either side may make opening statements of no more than ~~ten~~10 minutes. Each side should outline the facts to be presented and indicate what the facts may prove.

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1086.13.2 ~~_____~~ 8) After opening statements, each side will present its case. In all cases involving disciplinary action, the Department ~~shall~~ be heard first, followed by the grievant's preparation. However, in cases not involving disciplinary action, or in cases where unlawful discrimination is alleged, the grievant will proceed first, followed by the Department's presentation.

1086.13.3 ~~_____~~ 9) Upon completion of both sides' presentations, closing statements ~~shall~~ be allowed. They must be limited to five minutes for each side.

~~_____~~ 2. _____

1086.14.0 Notification of Decision

A copy of the grievance decision will be sent to the parties and their representatives within ~~ten~~10 working days of the ~~decision being made~~ conclusion of the fact-finding conference. The copy supplied to the grievant will have the DHS-2802, Grievance Response ~~Form~~ DHS-2802, attached. The grievance officer may take any of the following steps to preserve evidence that the grievant was notified of the decision: (1) mailing the decision by certified mail, return receipt requested; ~~2(2) obtaining the employee's signature on the DHS-2803 form; or (3) obtaining the employee's signature on the Form DHS-2803; or 3) obtaining~~ a receipt from the employee.

~~_____~~ 3. _____

1086.15.0 Appeal of Decision

~~a.~~

The grievant may appeal unfavorable decisions by filing the ~~Form~~ DHS-2802 ~~form~~ within ~~three~~five (5) working days of the receipt of the decision. The grievance officer will notify the DHS Director's office of the appeal and will provide the DHS Director's office a complete copy of the record of the case including a transcript of all testimony below. The DHS Director~~or~~/designee will then decide the matter based on the record. The DHS Director~~or~~/designee will issue a written decision within ~~fifteen~~15 working days of ~~the decision being made.~~

~~1086.15.1 _____~~ ~~b.~~ ~~receipt of the record.~~

1086.15.2 If the grievant is not satisfied with the decision of the DHS Director~~or~~/designee, the grievant may appeal the decision to the SEGAP or the SGRC, as appropriate. The appeal must be filed with the grievance officer within ~~three~~five (5) working days of receipt of the decision. The appeal must be filed using ~~Form~~ DHS-2802 ~~form~~. The grievance officer will notify SGRC or SEGAP of the appeal within one (1) working day. The grievance officer will coordinate the selection of a hearing date with the Panel or Committee.

1086.15.3 SGRC or SEGAP will conduct further proceedings in accordance with the rules of those bodies. Copies of the Panel and Committee rules may be obtained from the grievance officer.

~~d.1) SGRC Procedure:~~

If the review body is the SGRC, the DHS Director ~~shall~~ review the Committee's recommendations and,

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within ~~thirteen~~ (10) days of receipt of the written SGRC recommendation, ~~shaw~~ will submit his decision in writing to all parties, representatives, and supervisors involved. The decision of the Director ~~shaw~~ will be final and binding on all parties regarding the matter and the procedure. The SGRC ~~shaw~~ will receive a copy of the decision.

~~2)~~

1086.16.0 SEGAP Procedure:

- 1086.16.1 If the review body is the SEGAP, the DHS Director ~~shaw~~ will review the Panel's decision and implement the decision. If the DHS Director does not agree with the Panel's decision, the Director may, within ~~ten~~10 working days of receipt of the Panel's written decision, provide the Chief Fiscal Officer of the State and the aggrieved employee with written justification of the Department's action and request a formal review of the Panel's decision by the Chief Fiscal Officer. The employee may also submit comments regarding the DHS Director's justification to the Chief Fiscal Officer. Such response to the Department's appeal ~~shaw~~ will be submitted to the Chief Fiscal Officer within ~~ten~~10 calendar days of the date of the Department's appeal. (Appeals to the Chief Fiscal Officer should be processed by the grievance officer or authorized representative). The Chief Fiscal Officer ~~shaw~~ will issue a final administrative order within ~~fifteen~~15 working days of receipt of the DHS Director's justification and written request for review, affirming, reversing, or modifying the SEGAP's decision, and the final administrative order shall be binding on the Department.
- 1086.16.2 Employees are not prohibited from availing themselves of remedies outside these procedures. Each employee retains the right to file a complaint with the Equal Employment Opportunity Commission or to pursue other legal remedies.

G.1086.17.0 Intervention -

The DHS Director or division director may intervene during the pendency of a grievance within DHS or within ~~twenty~~20 days of the conclusion of the ~~ADR (mediation)~~ process. Intervention may include conducting special investigations, suspending time frame requirements, and making a decision. The DHS Director ~~shaw~~ will make every effort to resolve all matters involving allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion, or failure to award compensation.

1086.18.0 Confidentiality -

All persons involved in the grievance process shall be subject to the confidentiality requirements for both programmatic documents as well as personnel files. Information concerning a grievance shall be open for inspection when such is provided in the Arkansas Freedom of Information Act. Violations of confidentiality requirements are subject to discipline under DHS Policy 1085 – Minimum Conduct Standards for DHS Employees (~~formerly Policy 1026 – Employee Conduct Standards~~) and DHS Policy 1053 - Freedom of Information Act/Charges for Copying Documents. SGRC and SEGAP are not bound by this policy as it relates to the confidentiality of records.

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I.

1086.19.0 Records

1.

1086.19.1 The grievant, the charged party, and the SGRC or SEGAP ~~can~~may view or ~~may~~ have a copy of the grievance file. One copy of a written transcript will be made available to authorized persons. Tape duplication will be made available without cost to blind or visually impaired persons.

1086.19.2 2.—The division director~~or~~/designee will make all final determinations on the release or the viewing of documents related to pending grievances on a case-by-case determination and based upon the Arkansas Freedom of Information Act.

1086.19.3 3.—The grievance officer ~~shall~~will retain all records related to grievances.

4.—Records ~~shall~~will be kept as required by ~~the DHS records retention policy.~~

1086.19.4 5.—DHS 1083, Document & Record Disposition Policy.

1086.19.5 Documents sent to the grievance office after a case file has been submitted to the Panel or Committee ~~shall~~will be returned to the sender. The sender may attempt to have the additional documents entered into the record at the Committee or Panel conference or hearing. The Committee or Panel chair will decide the relevancy of the material and may accept the additional information after the opposing side has the opportunity to review the material and make any objections. The sender should bring seven (7) copies of any documentation to be introduced to the SGRC hearing or five (5) copies to the SEGAP hearing.

1086.20.0 J.—Employee's Role -

1086.20.1 Employees will:

- A. 1.—~~Will be~~Be given time during work hours to meet with a grievance officer or mediator when the grievance officer or mediator schedules the meeting. Excused time off should be given to start the process or to participate in scheduled meetings or conferences. Any other time off relating to the grievance ~~shall~~will be subject to approved annual leave.
- B. 2.—~~Will be~~Be paid for travel expenses, including parking fees, when they attend scheduled fact-finding conferences or meetings with decision makers.
- C. 3.—~~May~~Have access to relevant records and documents, subject to the confidentiality requirements as set out by state or federal law.
- D. Not use DHS resources for filing grievances, to respond to a grievance decision or to prepare requests for or respond to a request for documents, unless the forms or documents are those required by this policy. The use of other DHS resources for these purposes is a violation of DHS Policy 1085 – Minimum Conduct Standards for DHS Employees.

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1086.20.2 Employees may:

- A. Seek technical assistance from the grievance officer by phone.
- B. ~~4. May h~~ave witnesses present and question them at scheduled conferences.
- ~~5. Will have access to relevant records and documents, subject to the confidentiality requirements as set out by state or federal law.~~
- C. ~~6. May e~~Choose a representative.
- D. ~~7. May r~~Request interpreters, readers, or other types of assistance that may be reasonable and necessary.
- ~~8. Will not use DHS resources for filing grievances, to respond to a grievance decision or to prepare requests for or respond to a request for documents, unless the forms or documents are those required by this policy. The use of other DHS resources for these purposes is a violation of DHS Policy 1085—Minimum Conduct Standards for DHS Employees (formerly Policy 1026).~~
- ~~K. Management's Role—The DHS Director reserves the right to delegate any or all of these rights to designated officials subject to the provisions of policy and consistent with applicable state and federal laws or regulations. The DHS Director may:~~
 - E. ~~1. File the DHS-2801, Mediation/Grievance Statement, via fax, @ 501-682-6896, however if a fax machine is used the employee must call 501-682-6003 to assure that the form has been received within the time frame as stated in the instructions on the form.”~~

1086.21.0 Management's Role

The DHS Director/designee may:

- A. Gather all of the facts and attempt to resolve grievances in good faith.
- B. Assure that employees and former employees can use this procedure without interference, restraint, coercion, or reprisal.
- C. ~~3.~~ Communicate this policy and procedure to each employee.

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1086.21.1 ~~L.~~—The DHS Director reserves the right to delegate any or all of these rights to designated officials subject to the provisions of policy and consistent with applicable state and federal laws or regulations.

1086.22.0 **Grievance Officer's Role-**

The duties and responsibilities of grievance officers include:

- A. ~~1.~~—Providing technical assistance.
- B. ~~2.~~—Maintaining complete records of all grievances, complaints, and appeals.
- C. ~~3.~~—Determining grievability.

1086.23.0 ~~M.~~—Combining Grievances -

When more than one grievance is filed about the same issue by two or more persons or if more than one grievance is filed by a single person, the deciding official or grievance officer may combine the ~~se~~ grievances into one.

1086.24.0 ~~N.~~—Time Frames -

1086.24.1 The employee must file the grievance within five (5) working days from the date the employee learned of the grievable action.

1086.24.2 ~~O.~~—The employee (grievant) presenting the grievance may conclude the Grievance Procedure at any time in the process.

1086.25.0 **Corrective Action-**

1086.25.1 When a matter is decided in favor of the grievant, the deciding official or grievance officer must ensure corrective action is taken in a timely manner. If documentation is to be removed or replaced, all DHS files must reflect this action.

1086.25.2 The person responsible for taking action to resolve a grievance that is overturned will prepare a confidential memorandum to the Office of Finance and Administrative Services (OASFA), Personnel Section, requesting that the documentation be removed and, if appropriate, be replaced with specified actions. The division director must approve the memorandum before it is sent to OASFA. The memorandum must include specific instructions to all offices that maintain copies of such documentation to remove the documentation

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and send the original copies to the grievance office, which will retain the documents.


Failure to ensure that all elements of the decision are implemented or initiated within ~~ten~~10 working days of receiving the decision may result in disciplinary action.

~~IV. CONFLICTING POLICIES SUPERSEDED: This policy replaces DHS Policy 1086—Employee Grievance Procedure effective August 19, 1998.~~

~~V. DEPARTMENT CONTACT~~

1086.26.0 Originating Section/Department Contact

1086.26.1 ~~Office of Administrative Services~~
Office of Finance and Administration
Human Resources/Support Services Section
Policy and Administrative Program Management
P.O. Box 1437/Slot Number W403
Little Rock, AR 72203-1437
Telephone: 682-5835

Replacement Notation: This policy replaces DHS 1086 dated November 30, 2002 and  Management Directive-1, Grievance Prevention and Resolution, dated March 1, 2002.